

REMARKS AND ARGUMENTS

The Declaration is objected to. Applicants' representative is in the process of obtaining a corrected, revised Declaration and will submit same as soon as these are executed by the inventors.

Claim 1 is objected to for introduction of "said first absorbent composite" in line 21 without previously identifying "said" first element. Applicant directs the Examiner's attention to line 5, wherein the absorbent core is further recited as being constructed of "an absorbent composite." Accordingly, applicants respectfully request withdrawal of this objection to Claim 1.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 23 has been amended to address the rejection. Accordingly, Applicants request withdrawal of the Examiner's rejection.

Claim 1, 5-19, 21-24, 28 30, 31, and 33-39 are pending in the application. Claims 5, 6, 24, 32, and 34 are hereby canceled, without prejudice. Each of these claims is rejected under 35 U.S.C. § 103(a) as being obvious in view of the cited references, particularly Suzuki WO 9825999 A1 (Suzuki '999), and further in view of Stern U.S. 4,681,577, and Hamajami U.S. 6,326,526. Applicants respectfully traverse each of these rejections.

Amended Claim 1 recites a disposable absorbent article comprising, among other elements, and absorbent core constructed of an absorbent composite. Claim 1 also recites a pair of longitudinally extending, standing cuffs, spaced laterally from the core. Each cuff includes a folded portion of the topsheet and a longitudinally extending absorbent composite secured within the folded portion. This longitudinally extending absorbent composite further includes an absorbent layer of hydratable fine fibers and super absorbent polymer particles, and a non-woven substrate supporting the absorbent layer. Moreover, the first absorbent composite and the longitudinally extending absorbent composites of the cuffs are sections of one continuous absorbent composite structure positioned about the crotch region of the article.

Claim 1 also recites that the absorbent layer includes a low cross link SAP adapted to gel block upon wetting such that the backsheet is substantially impervious when wet and the backsheet is breathable when dry. Further, claim 1 recites the SAP as

being water-swellaable particles included in a concentration in the range of about 50 g/m² to about 500 g/m².

As previously noted by the Examiner, the Suzuki '999 and Stern disclosures fail to disclose an absorbent article comprising of cuffs containing absorbent material

Closer examination of Figures 39-41 of Suzuki '196 reveals that certain of the inventive articles as recited by claim 1 are distinct from any structure in the Suzuki '196 article. For example, claim 1 recites that the first absorbent composite and the longitudinally extending absorbent composite of the cuffs are sections of one continuous absorbent composite structure positioned about the crotch region. Neither of these elements are taught or suggested by Suzuki '196. Referring to Figures 39-41, the article depicted therein includes a core 30, which is separate and different from absorbent composite sheet controlling unit 40 which appears to include A-component layer 40A and B-component layer 40B. Core 30 is also separate and different from any structure that is in or associated with the cuff.

Moreover, Figure 41 does not teach or suggest A-component layer 40A extending upwardly into upstanding cuffs, as further recited in claim 1. Claim 1 recites that the cuff includes a folded portion of the top sheet and a longitudinally extending absorbent composite secured within the folded portion. Figure 41 of Suzuki '196 does not show an absorbent composite that is secured within such a folded portion. Suzuki '196 shows, instead, the A-component layer 40A providing the topsheet (not the core) and the outside layer of the cuffs. Thus, this reference fails to teach or suggest an absorbent composite secured in any folded portion.

Applicants note that Hamajami '526 is directed to a feminine sanitary napkin having free-edge portions 22 on either side of a central section. It is the Applicants' opinion that the free-edge portions 22 are not longitudinally extending, upstanding cuffs as recited in claim 1. More particularly, the Hamajami '526 does not teach or suggest an absorbent layer (*e.g.*, in the "free-edge portions") that includes a low cross link SAP adapted to gel block upon wetting such that the backsheet is substantially impervious when wet and the backsheet is breathable when dry, and alternatively, wherein the SAP are water-swellaable particles included in a concentration in the range of about 50 g/m² to about 500 g/m². It is these specific properties of the absorbent composite that provide

certain benefits unique to the invention, as described in the application (and recited in claim 1). Hamajami '526 does not teach or suggest the construction or the benefits provided by the invention as depicted, for example, in Figs. 15 and 16. Thus, even if Hamajami '526 is taken as teaching a continuous core structure, the continuous core structure would not have the construction, and thus, the properties illustrated through Figs. 15 – 16. Furthermore, there is no motivation for substituting the material and construction employed by the Hamajami sanitary napkin with the inventive absorbent layer of the invention, nor the know-how to make such a substitution workable.

Accordingly, not all the limitations of claim 1 are taught or suggested by the suggested combination of prior art references. As a result, the Examiner has failed to establish the required *prima facie* case of obviousness. *In re Roy*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.P.A. 1974).

Claim 1 and the claims depending from claim 1 are, therefore, in condition for allowance.

For reasons similar to those set forth above with respect to claim 1, claims 18 and 32, and 39, and claims depending from these claims, are also in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass the application to issue. The undersigned is available for telephone consultation if the Examiner believes such consultation will expedite prosecution of the application or resolve any outstanding issues.

Attached is a Credit Card Payment Form PTO-2038 in the amount of \$1,190.00 to cover the \$770.00 Request for Continued Examination Fee and \$420.00 for the Petition for Extension of Time within the second month.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments related to this request to Deposit Account No. **50-0997 (AHP-P01880US1)**, maintained by The Morris Law Firm, P.C..

Respectfully submitted,

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